Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of Sections 309(j) and 337	)	WT Docket No. 99-87
Of the Communications Act of 1934 as Amended	)	
	)	
Promotion of Spectrum Efficient Technologies on	)	RM-9332
Certain Part 90 Frequencies	)	

COMMENTS OF THE
LAND MOBILE COMMUNICATIONS COUNCIL

The Land Mobile Communications Council (LMCC), hereby submits these comments in response to the Commission's *Third Further Notice* in the above-captioned proceeding.[1] The LMCC urges the FCC to eliminate the enforcement of 90.203(j)(5) and further suggests that the Commission abandon efforts to require users to migrate to discrete 6.25 kHz channels. Efforts to 'create capacity' based on miniaturizing channel bandwidths is counter to telecommunications trends which are moving to requirements for wider rather than narrowband bandwidths. Any efforts to promote efficiency in the Part 90 VHF and UHF bands should be through the adoption of technologies with the equivalent efficiency of one voice path per 6.25 kHz of bandwidth rather than equipment that physically operates on 6.25 kHz discrete channels.

At the very minimum, the FCC should delay the enforcement of this rule section until January 1, 2015.

[1] In the Matter of Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rulemaking and Order,* WT Docket No. 99-87.

LMCC is a non-profit association of organizations representing virtually all users of land mobile radio systems, providers of land mobile services, and manufacturers of land mobile radio equipment. LMCC acts with the consensus, and on behalf, of the vast majority of public safety, business, industrial, private, commercial and land transportation radio users, as well as a diversity of land mobile service providers and equipment manufacturers. Membership includes the following organizations:

- Aeronautical Radio, Inc. (ARINC)
- American Association of State Highway and Transportation Officials (AASHTO)
- American Automobile Association (AAA)
- American Petroleum Institute (API)
- Association of American Railroads (AAR)
- Association of Public-Safety Communications Officials-Intl, Inc. (APCO)
- Central Station Alarm Association (CSAA)
- Enterprise Wireless Alliance (EWA)
- Forest Industries Telecommunications (FIT)
- Forestry-Conservation Communications Association (FCCA)
- Intelligent Transportation Society of America, Inc. (ITSA)
- International Association of Fire Chiefs (IAFC)
- International Association of Fish and Wildlife Agencies (IAFWA)
- International Municipal Signal Association (IMSA)
- Manufacturers Radio Frequency Advisory Committee (MRFAC)
- National Association of State Foresters (NASF)
- PCIA – The Wireless Infrastructure Association (PCIA)
- Telecommunications Industry Association (TIA)
- United Telecom Council (UTC)

In the *Third Further Notice,* the Commission is asking for comment on the issues raised in the Joint Petition. Comment is specifically sought on two issues: 1) will the deployment of non-standardized 6.25 kHz equipment significantly hamper interoperability and 2) does the problem arise only if both 6.25 kHz discrete and 6.25 kHz-equivalent efficiency equipment is deployed?

The frequencies currently set aside for interoperability in the Part 90 VHF and UHF bands are 12.5 kHz bandwidth channels, not 6.25 kHz channels. Until there is a 6.25 kHz equivalent efficiency standard developed by the Telecommunications Industry Association and adopted by the radio equipment manufacturers, interoperability between 6.25 kHz discrete and 6.25 kHz equivalent efficiency radios could be compromised.

Bandwidth alone does not determine the ability of radios produced by different manufacturers to interoperate. A common air interface is needed. A requirement that all radios contain a 6.25 kHz or 6.25 kHz equivalent technology does not define a common air interface. Bandwidth is only one part of a common air interface. The FCC has not previously defined or mandated a common air interface for equipment operating in the VHF and UHF bands.

Although the narrowbanding process began in 1997 when the FCC began to require that any equipment submitted for certification be capable of operating at 12.5 kHz bandwidth, there are still many 25 kHz analog systems in operation today. Efforts to narrowband managed solely through the equipment authorization process have proven to be ineffective. This fact was borne out by the Commission's decision in 2003 to mandate deadlines by which existing systems would be forced to convert to 12.5 kHz equipment or to technologies which provide one voice path/12.5 kHz of bandwidth. Coupled with that decision, the FCC implemented a decision to stop certifying equipment that did not meet the 12.5 kHz/12.5 kHz standard two years before the conversion deadline for incumbent systems.

In light of the experience gained in the past eight years, the provisions of 90.203(j)(5) should be eliminated. As Motorola stated in its Petition for Reconsideration:

> "The *Second Report and Order*, in essence, concluded that the FCC's previous approach to induce users to upgrade equipment by mandating availability through the equipment authorization process failed to spur the transition to 12.5 kHz technology. Retaining that same provision for 6.25 kHz technologies is therefore illogical as there is not evidence to suggest that such a requirement will now prove effective."

The Commission should allow the marketplace to complete the migration from 25 kHz to 12.5 kHz bandwidth or 12.5 kHz-equivalent technologies before requiring all new radios developed for the Part 90 VHF and UHF bands use a bandwidth or technology that will add to the cost of the radios but may not be the best technology choice for the end user.

By narrowbanding from 25 kHz to 12.5 kHz or 12.5 kHz-equivalent efficiencies, the Part 90 VHF and UHF bands will provide additional capacity for both incumbents and new entrants. Migrating to 12.5 kHz is an important first step. Because field-tested, proven 12.5 kHz equipment (both single mode and dual 25/12.5 kHz mode) is readily available from multiple manufacturers today, there is a clear path which users can follow to meet the Commission's January 1, 2013 deadline.

As Motorola stated in its Comments to the *Second Further Notice* in this proceeding, the broad support for a date certain on which to convert to 12.5 kHz or equivalent technologies was due to the fact that 12.5 kHz standards are defined, the technology is proven and is being implemented in the marketplace.

This is not the case at 6.25 kHz. Although the Project 25 Phase 1 FDMA standard is complete, the Project 25 Committee continues work to finalize a Phase II (2 slots in 12.5 kHz) standard that will address user requirements. Any 6.25 kHz equipment authorization requirements should be tied to an astute, judicious overall migration to 6.25 kHz equivalent efficiencies.

If the FCC does not eliminate 90.203(j)(5), it should delay the enforcement of this rule section until at least January 1, 2015. This would bring this rule section into line with the 700 MHz narrowbanding deadlines and would maximize economies of scale for equipment manufacturers, which ultimately benefits users by keeping equipment costs steady.

Respectfully submitted,

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August 15, 2005